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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,404	07/21/2003	Edgar Vicente Chiquin		1067
7590		04/04/2005	EXAMINER	
Edgar Chiquin 800 Polo Club Dr. Austin, TX 78737			HANSEN, JAMES ORVILLE	
		ART UNIT	PAPER NUMBER	3637

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,404	CHIQUIN, EDGAR VICENTE	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "DVD player", the "table", the "booth", "the housing", the "anti-theft wire", the "link(s)", "the lip", "forward lip means", "Velcro" and "small remote control" must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.

- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. In **Claim 1**, note the following: it is not clear if applicant is positively claiming "a restaurant" [note the preamble] or a "DVD player" [applicant first states

"for supporting the portable DVD player", viewed as not positively claimed, then recites a positively claimed wire "having on link on the portable DVD player" viewed as a positive incorporation] in combination with the "movie unit", applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent; the phrase "tray sited underneath" is not clearly understood as presently recited; the phrase "a wooden tray means" is viewed as being a double inclusion of the previously recited "a wooden tray" [are these the same structure ? or are they distinct members ?]; the phrase "the portable DVD player" does not have a proper antecedent basis; the phrase "the housing" does not have a proper antecedent basis; the phrase "the other link" does not have a proper antecedent basis; the phrase "the front face" does not have a proper antecedent basis; the phrase "the lip" does not have a proper antecedent basis; the phrase "booth means" does not have a proper antecedent basis; the phrase "two side supports" is viewed as being a double inclusion of the previously defined "means for supporting the tray" [use of a narrower range within a broader range in the same claim renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired]; and the phrase "in a rested position with the portable DVD player is on its surface..." is unclear and confusing as presently worded. In **Claim 2**, note the following: the use of the trademark name "Velcro" renders the claim indefinite because a trademark and the product it identifies is sometimes indefinite, uncertain and arbitrary. The formula or characteristics of the product may change from time to time and yet it may continue to be sold under the same trademark [the generic form "hook and loop fastener" should be utilized instead]; the phrase "said portable DVD player means" does not have a proper antecedent basis. In **Claim 3**, note the

following: the phrase "the lowest front trim on the table or booth" does not have a proper antecedent basis; the phrase "inside a restaurant of claim1" is not in an accepted format [should not refer back to the depending claim in the body of the dependent claim]; the claim must be in one sentence form only [see "said table or booth. the portable..."]; and the phrase "the operator" does not have a proper antecedent basis. In **Claim 5**, note the following: it is not clear if applicant is positively claiming "a restaurant" [note the preamble] or a "DVD player" [applicant first states "for supporting the portable DVD player", viewed as not positively claimed, then recites a positively claimed wire "having on link on the portable DVD player" viewed as a positive incorporation] in combination with the "movie unit", applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent; the phrase "tray sited underneath" is not clearly understood as presently recited; the phrase "a wooden tray means" is viewed as being a double inclusion of the previously recited "a wooden tray" [are these the same structure ? or are they distinct members ?]; the phrase "the portable DVD player" does not have a proper antecedent basis; the phrase "the housing" does not have a proper antecedent basis; the phrase "the operator" does not have a proper antecedent basis; the phrase "the other link" does not have a proper antecedent basis; the phrase "the front face" does not have a proper antecedent basis; the phrase "the lip" does not have a proper antecedent basis; the phrase "booth means" does not have a proper antecedent basis; the phrase "two side supports" is viewed as being a double inclusion of the previously defined "means for supporting the tray" [use of a narrower range within a broader range in the same claim renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired]; and the

phrase "in a rested position with the portable DVD player is on its surface..." is unclear and confusing as presently worded. In **Claim 6**, note the following: the use of the trademark name "Velcro" renders the claim indefinite because a trademark and the product it identifies is sometimes indefinite, uncertain and arbitrary. The formula or characteristics of the product may change from time to time and yet it may continue to be sold under the same trademark [the generic form "hook and loop fastener" should be utilized instead]; the phrase "said portable DVD player means" does not have a proper antecedent basis; and the phrase "the closing tray means" does not have a proper antecedent basis. In **Claim 7**, note the following: the phrase "the front face of the housing" does not have a proper antecedent basis; the phrase "the lowest front trim on the table or booth" does not have a proper antecedent basis; the phrase "inside a restaurant of claim1" is not in an accepted format [should not refer back to the depending claim in the body of the dependent claim]; and the claim must be in one sentence form only [see "said table or booth. the portable..."]. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spence [U.S. Patent No. 6,099,093] in view of Makous [U.S. Patent No. 5,579,657].

The examiner has taken the position that while not depicted in the drawings [outstanding issue at this point], at least a table and DVD player are positively being claimed in combination with the unit. Spence (figures 1-6) teaches of a "movie unit" (fig. 3) comprising: a tray or tray means (16) having a surface that is capable of supporting a DVD player; means (34) for permitting sliding movement of the unit with respect to an underside (of top 4) of a table (2); and means for supporting the tray (32). The tray having a forward lip means (viewed as the curved front surface) for locating a forward surface of an article placed on the tray. Spence teaches applicant's inventive claimed structure as disclosed above, but does not show an "anti-theft wire" connected to the table and to an article placed on the tray. Makous (figures 1-3) is cited as an evidence reference to show that it was known to incorporate an anti-theft wire (134) within an environment for the purpose of securing an electrical apparatus (104 for example) to a table (102). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the unit of Spence so as to incorporate an anti-theft wire as taught by Makous because this arrangement would enable small portable equipment to be securely fastened to any existing desktop, table or similar structure. As to the "DVD player", Spence utilizes a keyboard (fig. 2) on the sliding tray; however, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute or vary the contents which may be carried on Spence's tray since the substitution of an article to be carried by the tray may vary depending upon the personal preferences or needs of the user; additionally, contents located on adjacent surfaces of a table for example, may be rearranged so as to facilitate a specific aspect of a user's requirements. As to the fastening means, Makous discloses the use known

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mechanical fastening means or adhesives to secure links (136) to a small piece of equipment and to the table. As to the "Velcro" used to secure the piece of equipment to the tray surface, Administrative Notice is given that the use of hook and loop fasteners to secure an article or apparatus to a stationary structure is old and well known. Since the "Velcro" is not functionally related in a new or unobvious way to the substrate [tray] upon which it is to be placed, the fastening arrangement will not distinguish the invention from the prior art in terms of patentability.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drake et al., Huang and EPO publication 146206 describe units for supporting small equipment. Wegman et al., and Gilbert describe table structures with units for supporting small equipment. Sanders describes an anti-theft device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
March 29, 2005